



REPLY TO
ATTENTION OF

U.S. DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118

July 28, 2017

Operations Division
Regulatory Branch

Subject: Spanish Lake Restoration mitigation bank
MVN-1999-01446

Spanish Lake Restoration, LLC
Mr. Stephen R Wallace
10621 N. Oak Hills Parkway, Suite A
Baton Rouge, Louisiana 70810

Dear Mr. Wallace:

As requested in your letter dated November 17, 2016, CEMVN has completed a re-evaluation of the Louisiana Wetland Rapid Assessment Method (LRAM) values used in the credit assessment of the Spanish Lake Restoration mitigation bank. The historical record and information provided on your behalf were reviewed in the LRAM re-assessment. The re-assessment was coordinated with the Interagency Review Team (IRT).

Section XII of the Interagency Agreement approved in 1999 allows for additional credit to be granted to Unit II acreage as a result of hydrologic improvements. The IRT recognizes the efforts of the landowner to affect change in the operation of the Alligator Bayou Floodgate which resulted in altering the operation such that the gate will remain in the 'open' position except during periods of backwater flooding situations. Operation of the structure in this manner should result in more natural hydrologic conditions and ecological improvements within the Spanish Lake sub-basin. However, this floodgate primarily affects acreage of the mitigation bank within the Spanish Lake sub-basin, not the acreage within the Bluff Swamp sub-basin. Therefore, CEMVN has determined that the Unit II acreage should be split accordingly and separate ledgers will be maintained. Thus, Unit II Spanish Lake sub-basin will contain 380.55 acres and the Unit II Bluff Swamp sub-basin will contain 785.84 acres. The mitigation type variable for remaining unsold credits in the Unit II - Spanish Lake sub-basin Unit II has been changed from 'preservation' to 'enhancement'. Bank credits associated with the Unit II - Bluff Swamp sub-basin remain preservation. Previously sold Unit II preservation credits will be deducted from the Unit II - Bluff Swamp sub-basin ledger.

While the vast majority of credits associated with Unit I (bottomland hardwood habitat) are only nominally affected by the flood gate operational change, the IRT recognizes that some acreage of this habitat type will also be benefitted. Thus, while the 1999 Interagency Agreement does not directly allow for additional credit to be granted, the IRT has agreed to grant enhancement value to the remaining unsold Unit I

acreage/credits. This recognition applies solely to the unsold remaining credits as of the date of this letter and will not be applied retroactively to other sold Unit I acreage.

Regarding the request for changing the Site Management Factor variable from 'passive' to 'none', the IRT disagrees with your rationale for the request. The Alligator Bayou and Frog Bayou structures remain in place and will continue to be operated; therefore, the variable selection will remain 'passive'.

The revised LRAM assessments for Units I & II are attached. RIBITS will be updated accordingly.

If you have any further questions regarding this matter, please contact Mr. Brian W. Breaux at (504) 862-1938 or by email at brian.w.breaux@usace.army.mil.

Sincerely,

**MAYER.MARTIN.ST
EVEN.1230824947**

Digitally signed by
MAYER.MARTIN.STEVEN.1230824947
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=MAYER.MARTIN.STEVEN.1230824947
Date: 2017.07.28 13:00:44 -05'00'

Martin S. Mayer
Chief, Regulatory Branch

cc:

Mr. Raul Gutierrez
gutierrez.raul@epa.gov

Mr. Kyle Balkum
kbalkum@wlf.la.gov

Message

From: Scott Nesbit [Scott.Nesbit@wetlandsreport.com]
Sent: 7/27/2017 1:40:21 PM
To: Brian.W.Breaux@usace.army.mil; Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Matthew Weigel (mweigel@wlf.la.gov) [mweigel@wlf.la.gov]; jmaryman@wlf.la.gov
CC: Mayer, Martin S MVN (Martin.S.Mayer@usace.army.mil) [Martin.S.Mayer@usace.army.mil]
Subject: SLR Credit Upgrade Request

Brian;

Thank you for the conference call yesterday regarding the IRT's decision on SLR's credit upgrade request, and thanks to the IRT for taking the time and effort to focus on SLR's request. Although we did not get full concurrence with all issues, I do believe that the IRT's position on our request was fair and ends a unresolved controversy that goes back to SLR's (formally Lago Espanol's) initial approval in 1999, again highlighted in 2011 with the MCM/LRAM management variable (water control structure).

From the bigger wetlands conservation picture, the IRT's position is important as mitigation banking remains one of the few private (for profit) conservation programs that have reduced wetland impacts in the permitting process and has positively contributed to the state's coastal restoration effort where public funding is limited to large-scale projects. Throughout south Louisiana, Water control structures are being proposed throughout the state as a remedy to local flooding. Thus, the issue of how these structures impact long term private wetland restoration projects is important to resolve.

Thank you again for your time and effort.

Scott Nesbit
Senior Wetland Ecologist
Natural Resource Professionals, LLC
10621 North Oak Hills Pkwy. Suite A
Baton Rouge, LA 70810
(225) 928-5333 office
(225) 439-9205 mobile
www.wetlandsreport.com

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone. Please send us by fax any message containing deadlines as incoming e-mails are not screened for response deadlines. The integrity and security of this message cannot be guaranteed on the Internet.

Message

From: Stephen Wallace [stephenr40wallace@gmail.com]
Sent: 7/26/2017 5:54:42 PM
To: Breaux, Brian W CIV USARMY CEMVN (US) [Brian.W.Breaux@usace.army.mil]
CC: Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Matthew Weigel (mweigel@wlf.la.gov) [mweigel@wlf.la.gov]; jmaryman@wlf.la.gov; Scott Nesbit [Scott.Nesbit@wetlandsreport.com]; Gregg Fell [gregg.fell@wetlandsreport.com]; Mayer, Martin S CIV USARMY CEMVN (US) [Martin.S.Mayer@usace.army.mil]
Subject: Re: [Non-DoD Source] Re: Spanish Lake Restoration (UNCLASSIFIED)

Brian

Just checking on your timeline for a decision. Is it possible to have a decision from you today?

Thanks.
Steve

On Fri, Jul 21, 2017 at 2:47 PM, Breaux, Brian W CIV USARMY CEMVN (US)

<Brian.W.Breaux@usace.army.mil> wrote:

CLASSIFICATION: UNCLASSIFIED

Scott/Steve: Regarding the LRAM evaluation, we are attempting to finalize the IRT coordination. We note that the attached solicitation has a time limitation and will make every attempt to reach a decision in order for you to have the appropriate information to provide a bid.

-----Original Message-----

From: Stephen Wallace [mailto:stephenr40wallace@gmail.com]
Sent: Thursday, July 20, 2017 9:35 AM
To: Breaux, Brian W CIV USARMY CEMVN (US) <Brian.W.Breaux@usace.army.mil>
Cc: Gutierrez, Raul [mailto:Gutierrez.Raul@epa.gov]; Matthew Weigel (mweigel@wlf.la.gov) <mweigel@wlf.la.gov>; jmaryman@wlf.la.gov; Scott Nesbit <Scott.Nesbit@wetlandsreport.com>; Gregg Fell <gregg.fell@wetlandsreport.com>; Mayer, Martin S CIV USARMY CEMVN (US) <Martin.S.Mayer@usace.army.mil>
Subject: [Non-DoD Source] Re: Spanish Lake Restoration

Brian

As a followup to our 6/15/17 meeting and since a full decision has not been finalized yet, we request that the consideration for Units III and VI be advanced first. If possible, we request this decision be communicated to us by end of Monday, 7/24/17, in order for the new SLR values to be applied to the public project described below.

As shown in the attached mitigation request, SLR has been asked by Pontchartrain Levee District (PLD) to provide a bid by 7/28/17 for a flood-control levee project in Ascension Parish. There are currently only 2 banks with cypress mitigation in the Pontchartrain Basin. The other bank cannot meet the total need for the project. Therefore, SLR will need to provide at least the remainder or possibly the entire amount of mitigation. If you agree with our request, the higher credit value requested by SLR for Units III and VI will result in a lower number of acres purchased by PLD and a savings for this public project and will also add much-needed inventory to this basin to meet future mitigation needs.

Due to the time-sensitive nature of this situation, please let us know as soon as possible if this can be accommodated.

Thank you,
Steve Wallace
SLR Manager

On Wed, Jul 12, 2017 at 2:13 PM, Gregg Fell <gregg.fell@wetlandsreport.com>
<<mailto:gregg.fell@wetlandsreport.com>> > wrote:

Good afternoon;

On behalf of SLR, I would like to follow up to our June 15, 2016 meeting, where we presented proposed credit type/value adjustments in accordance with the SLR Interagency Agreement.

Is there any update on the review/evaluation of our presentation and proposed modifications to the SLR Interagency Agreement?

Please let us know if you have any questions or would like to discuss anything further.

Thanks,

Gregg Fell

Senior Permitting Analyst

Natural Resource Professionals, LLC

[Blockedwww.wetlandsreport.com](http://www.wetlandsreport.com) <[Blockedhttp://www.wetlandsreport.com/](http://www.wetlandsreport.com/)>

10621 North Oak Hills Parkway; Suite A

Baton Rouge, Louisiana 70810

225.928.5333 <tel:(225)%20928-5333>

928.925.8947 <tel:(928)%20925-8947> (cell)

This email message (including attachments) contains information which may be confidential and/or legally privileged and is for receipt and use solely by the intended recipient. Unless you are the intended recipient, you may not use, copy or disclose to anyone the message or any information contained in the message, or from any attachments that were sent with this email. If you have received this email message in error, please advise the sender by email, and delete the message. Unauthorized disclosure and/or use of information contained in this email may result in civil and criminal liability.

CLASSIFICATION: UNCLASSIFIED

Message

From: Joe Maryman [jmaryman@wlf.la.gov]
Sent: 7/25/2017 8:30:39 PM
To: Breaux, Brian W CIV USARMY CEMVN (US) [Brian.W.Breaux@usace.army.mil]
CC: Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Matthew Weigel [mweigel@wlf.la.gov]
Subject: RE: [Non-DoD Source] Re: Spanish Lake Restoration (UNCLASSIFIED)

Brian,

In regards to our earlier phone call, LDWF also supports the awarding of enhancement credits for Units I and IIa, adjustment of size for Units I and IIa, and agrees that the management should be categorized as passive for Units I, IIa, III, and VI.

Thanks

Joe Maryman
Biologist
Louisiana Department of Wildlife and Fisheries
jmaryman@wlf.la.gov
225-765-2380

-----Original Message-----

From: Gutierrez, Raul [mailto:Gutierrez.Raul@epa.gov]
Sent: Tuesday, July 25, 2017 2:59 PM
To: Breaux, Brian W CIV USARMY CEMVN (US)
Cc: Joe Maryman
Subject: RE: [Non-DoD Source] Re: Spanish Lake Restoration (UNCLASSIFIED)

Per our conversation earlier today, we are ok with awarding Enhancement credit for Units I and IIa. We still think that Management should remain categorized as Passive for Units I, IIa, III, and VI. Size should be adjusted for Units I and IIa.
Thanks for coordinating with us.

Raul Gutierrez

-----Original Message-----

From: Breaux, Brian W CIV USARMY CEMVN (US) [mailto:Brian.W.Breaux@usace.army.mil]
Sent: Friday, July 21, 2017 2:48 PM
To: Stephen Wallace <stephenr40wallace@gmail.com>
Cc: Gutierrez, Raul <Gutierrez.Raul@epa.gov>; Matthew Weigel (mweigel@wlf.la.gov) <mweigel@wlf.la.gov>; jmaryman@wlf.la.gov; Scott Nesbit <Scott.Nesbit@wetlandsreport.com>; Gregg Fell <gregg.fell@wetlandsreport.com>; Mayer, Martin S CIV USARMY CEMVN (US) <Martin.S.Mayer@usace.army.mil>
Subject: RE: [Non-DoD Source] Re: Spanish Lake Restoration (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Scott/Steve: Regarding the LRAM evaluation, we are attempting to finalize the IRT coordination. We note that the attached solicitation has a time limitation and will make every attempt to reach a decision in order for you to have the appropriate information to provide a bid.

-----Original Message-----

From: Stephen Wallace [mailto:stephenr40wallace@gmail.com]
Sent: Thursday, July 20, 2017 9:35 AM
To: Breaux, Brian W CIV USARMY CEMVN (US) <Brian.W.Breaux@usace.army.mil>
Cc: Gutierrez, Raul@epa.gov; Matthew Weigel (mweigel@wlf.la.gov) <mweigel@wlf.la.gov>; jmaryman@wlf.la.gov; Scott Nesbit <Scott.Nesbit@wetlandsreport.com>; Gregg Fell <gregg.fell@wetlandsreport.com>; Mayer, Martin S CIV USARMY CEMVN (US) <Martin.S.Mayer@usace.army.mil>
Subject: [Non-DoD Source] Re: Spanish Lake Restoration

Brian

As a followup to our 6/15/17 meeting and since a full decision has not been finalized yet, we request that the consideration for Units III and VI be advanced first. If possible, we request this decision be communicated to us by end of Monday, 7/24/17, in order for the new SLR values to be applied to the public project described below.

As shown in the attached mitigation request, SLR has been asked by Pontchartrain Levee District (PLD) to provide a bid by 7/28/17 for a flood-control levee project in Ascension Parish. There are currently only 2 banks with cypress mitigation in the Pontchartrain Basin. The other bank cannot meet the total need for the project. Therefore, SLR will need to provide at least the remainder or possibly the entire amount of mitigation. If you agree with our request, the higher credit value requested by SLR for Units III and VI will result in a lower number of acres purchased by PLD and a savings for this public project and will also add much-needed inventory to this basin to meet future mitigation needs.

Due to the time-sensitive nature of this situation, please let us know as soon as possible if this can be accommodated.

Thank you,
Steve Wallace
SLR Manager

On Wed, Jul 12, 2017 at 2:13 PM, Gregg Fell <gregg.fell@wetlandsreport.com
<mailto:gregg.fell@wetlandsreport.com> > wrote:

Good afternoon;

On behalf of SLR, I would like to follow up to our June 15, 2016 meeting, where we presented proposed credit type/value adjustments in accordance with the SLR Interagency Agreement.

Is there any update on the review/evaluation of our presentation and proposed modifications to the SLR Interagency Agreement?

Please let us know if you have any questions or would like to discuss anything further.

Thanks,

Gregg Fell
Senior Permitting Analyst

Natural Resource Professionals, LLC
Blockedwww.wetlandsreport.com <Blockedhttp://www.wetlandsreport.com/>

10621 North Oak Hills Parkway; Suite A
Baton Rouge, Louisiana 70810
225.928.5333 <tel:(225)%20928-5333>
928.925.8947 <tel:(928)%20925-8947> (cell)

This email message (including attachments) contains information which may be confidential and/or legally privileged and is for receipt and use solely by the intended recipient. Unless you are the intended recipient, you may not use, copy or disclose to anyone the message or any information contained in the message, or from any attachments that were sent with this email. If you have received this email

message in error, please advise the sender by email, and delete the message. Unauthorized disclosure and/or use of information contained in this email may result in civil and criminal liability.

CLASSIFICATION: UNCLASSIFIED

Message

From: Stephen Wallace [stephenr40wallace@gmail.com]
Sent: 7/21/2017 8:23:36 PM
To: Breaux, Brian W CIV USARMY CEMVN (US) [Brian.W.Breaux@usace.army.mil]
CC: Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Matthew Weigel (mweigel@wlf.la.gov) [mweigel@wlf.la.gov]; jmaryman@wlf.la.gov; Scott Nesbit [Scott.Nesbit@wetlandsreport.com]; Gregg Fell [gregg.fell@wetlandsreport.com]; Mayer, Martin S CIV USARMY CEMVN (US) [Martin.S.Mayer@usace.army.mil]
Subject: Re: [Non-DoD Source] Re: Spanish Lake Restoration (UNCLASSIFIED)

Brian et al,

Thank you all for your consideration and timely response.

Steve Wallace
SLR Manager

On Fri, Jul 21, 2017 at 2:47 PM, Breaux, Brian W CIV USARMY CEMVN (US)

<Brian.W.Breaux@usace.army.mil> wrote:

CLASSIFICATION: UNCLASSIFIED

Scott/Steve: Regarding the LRAM evaluation, we are attempting to finalize the IRT coordination. We note that the attached solicitation has a time limitation and will make every attempt to reach a decision in order for you to have the appropriate information to provide a bid.

-----Original Message-----

From: Stephen Wallace [mailto:stephenr40wallace@gmail.com]
Sent: Thursday, July 20, 2017 9:35 AM
To: Breaux, Brian W CIV USARMY CEMVN (US) <Brian.W.Breaux@usace.army.mil>
Cc: Gutierrez.Raul@epa.gov; Matthew Weigel (mweigel@wlf.la.gov) <mweigel@wlf.la.gov>; jmaryman@wlf.la.gov; Scott Nesbit <Scott.Nesbit@wetlandsreport.com>; Gregg Fell <gregg.fell@wetlandsreport.com>; Mayer, Martin S CIV USARMY CEMVN (US) <Martin.S.Mayer@usace.army.mil>
Subject: [Non-DoD Source] Re: Spanish Lake Restoration

Brian

As a followup to our 6/15/17 meeting and since a full decision has not been finalized yet, we request that the consideration for Units III and VI be advanced first. If possible, we request this decision be communicated to us by end of Monday, 7/24/17, in order for the new SLR values to be applied to the public project described below.

As shown in the attached mitigation request, SLR has been asked by Pontchartrain Levee District (PLD) to provide a bid by 7/28/17 for a flood-control levee project in Ascension Parish. There are currently only 2 banks with cypress mitigation in the Pontchartrain Basin. The other bank cannot meet the total need for the project. Therefore, SLR will need to provide at least the remainder or possibly the entire amount of mitigation. If you agree with our request, the higher credit value requested by SLR for Units III and VI will result in a lower number of acres purchased by PLD and a savings for this public project and will also add much-needed inventory to this basin to meet future mitigation needs.

Due to the time-sensitive nature of this situation, please let us know as soon as possible if this can be accommodated.

Thank you,
Steve Wallace
SLR Manager

On Wed, Jul 12, 2017 at 2:13 PM, Gregg Fell <gregg.fell@wetlandsreport.com<<mailto:gregg.fell@wetlandsreport.com>> > wrote:

Good afternoon;

On behalf of SLR, I would like to follow up to our June 15, 2016 meeting, where we presented proposed credit type/value adjustments in accordance with the SLR Interagency Agreement.

Is there any update on the review/evaluation of our presentation and proposed modifications to the SLR Interagency Agreement?

Please let us know if you have any questions or would like to discuss anything further.

Thanks,

Gregg Fell

Senior Permitting Analyst

Natural Resource Professionals, LLC

[Blockedwww.wetlandsreport.com](http://www.wetlandsreport.com) <[Blockedhttp://www.wetlandsreport.com/](http://www.wetlandsreport.com/)>

10621 North Oak Hills Parkway; Suite A

Baton Rouge, Louisiana 70810

225.928.5333 <tel:(225)%20928-5333>

928.925.8947 <tel:(928)%20925-8947> (cell)

This email message (including attachments) contains information which may be confidential and/or legally privileged and is for receipt and use solely by the intended recipient. Unless you are the intended recipient, you may not use, copy or disclose to anyone the message or any information contained in the message, or from any attachments that were sent with this email. If you have received this email message in error, please advise the sender by email, and delete the message. Unauthorized disclosure and/or use of information contained in this email may result in civil and criminal liability.

CLASSIFICATION: UNCLASSIFIED

Message

From: Breaux, Brian W CIV USARMY CEMVN (US) [Brian.W.Breaux@usace.army.mil]
Sent: 7/21/2017 7:47:54 PM
To: Stephen Wallace [stephenr40wallace@gmail.com]
CC: Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Matthew Weigel (mweigel@wlf.la.gov) [mweigel@wlf.la.gov]; jmaryman@wlf.la.gov; Scott Nesbit [Scott.Nesbit@wetlandsreport.com]; Gregg Fell [gregg.fell@wetlandsreport.com]; Mayer, Martin S CIV USARMY CEMVN (US) [Martin.S.Mayer@usace.army.mil]
Subject: RE: [Non-DoD Source] Re: Spanish Lake Restoration (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Scott/Steve: Regarding the LRAM evaluation, we are attempting to finalize the IRT coordination. We note that the attached solicitation has a time limitation and will make every attempt to reach a decision in order for you to have the appropriate information to provide a bid.

-----Original Message-----

From: Stephen Wallace [mailto:stephenr40wallace@gmail.com]
Sent: Thursday, July 20, 2017 9:35 AM
To: Breaux, Brian W CIV USARMY CEMVN (US) <Brian.W.Breaux@usace.army.mil>
Cc: Gutierrez.Raul@epa.gov; Matthew Weigel (mweigel@wlf.la.gov) <mweigel@wlf.la.gov>; jmaryman@wlf.la.gov; Scott Nesbit <Scott.Nesbit@wetlandsreport.com>; Gregg Fell <gregg.fell@wetlandsreport.com>; Mayer, Martin S CIV USARMY CEMVN (US) <Martin.S.Mayer@usace.army.mil>
Subject: [Non-DoD Source] Re: Spanish Lake Restoration

Brian

As a followup to our 6/15/17 meeting and since a full decision has not been finalized yet, we request that the consideration for Units III and VI be advanced first. If possible, we request this decision be communicated to us by end of Monday, 7/24/17, in order for the new SLR values to be applied to the public project described below.

As shown in the attached mitigation request, SLR has been asked by Pontchartrain Levee District (PLD) to provide a bid by 7/28/17 for a flood-control levee project in Ascension Parish. There are currently only 2 banks with cypress mitigation in the Pontchartrain Basin. The other bank cannot meet the total need for the project. Therefore, SLR will need to provide at least the remainder or possibly the entire amount of mitigation. If you agree with our request, the higher credit value requested by SLR for Units III and VI will result in a lower number of acres purchased by PLD and a savings for this public project and will also add much-needed inventory to this basin to meet future mitigation needs.

Due to the time-sensitive nature of this situation, please let us know as soon as possible if this can be accommodated.

Thank you,
Steve Wallace
SLR Manager

On Wed, Jul 12, 2017 at 2:13 PM, Gregg Fell <gregg.fell@wetlandsreport.com> [mailto:gregg.fell@wetlandsreport.com] > wrote:

Good afternoon;

On behalf of SLR, I would like to follow up to our June 15, 2016 meeting, where we presented proposed credit type/value adjustments in accordance with the SLR Interagency Agreement.

Is there any update on the review/evaluation of our presentation and proposed modifications to the SLR Interagency Agreement?

Please let us know if you have any questions or would like to discuss anything further.

Thanks,

ED_003039_00014618-00001

Gregg Fell

Senior Permitting Analyst

Natural Resource Professionals, LLC

Blockedwww.wetlandsreport.com <Blockedhttp://www.wetlandsreport.com/>

10621 North Oak Hills Parkway; Suite A

Baton Rouge, Louisiana 70810

225.928.5333 <tel:(225)%20928-5333>

928.925.8947 <tel:(928)%20925-8947> (cell)

This email message (including attachments) contains information which may be confidential and/or legally privileged and is for receipt and use solely by the intended recipient. Unless you are the intended recipient, you may not use, copy or disclose to anyone the message or any information contained in the message, or from any attachments that were sent with this email. If you have received this email message in error, please advise the sender by email, and delete the message. Unauthorized disclosure and/or use of information contained in this email may result in civil and criminal liability.

CLASSIFICATION: UNCLASSIFIED

Message

From: Stephen Wallace [stephenr40wallace@gmail.com]
Sent: 7/20/2017 2:34:34 PM
To: Brian.W.Breaux@usace.army.mil
CC: Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Matthew Weigel (mweigel@wlf.la.gov) [mweigel@wlf.la.gov]; jmaryman@wlf.la.gov; Scott Nesbit [Scott.Nesbit@wetlandsreport.com]; Gregg Fell [gregg.fell@wetlandsreport.com]; Martin Mayer [martin.s.mayer@usace.army.mil]
Subject: Re: Spanish Lake Restoration
Attachments: PLD Mitigation Bid Request to SLR.pdf

Brian

As a followup to our 6/15/17 meeting and since a full decision has not been finalized yet, we request that the consideration for Units III and VI be advanced first. If possible, we request this decision be communicated to us by end of Monday, 7/24/17, in order for the new SLR values to be applied to the public project described below.

As shown in the attached mitigation request, SLR has been asked by Pontchartrain Levee District (PLD) to provide a bid by 7/28/17 for a flood-control levee project in Ascension Parish. There are currently only 2 banks with cypress mitigation in the Pontchartrain Basin. The other bank cannot meet the total need for the project. Therefore, SLR will need to provide at least the remainder or possibly the entire amount of mitigation. If you agree with our request, the higher credit value requested by SLR for Units III and VI will result in a lower number of acres purchased by PLD and a savings for this public project and will also add much-needed inventory to this basin to meet future mitigation needs.

Due to the time-sensitive nature of this situation, please let us know as soon as possible if this can be accommodated.

Thank you,
Steve Wallace
SLR Manager

On Wed, Jul 12, 2017 at 2:13 PM, Gregg Fell <gregg.fell@wetlandsreport.com> wrote:

Good afternoon;

On behalf of SLR, I would like to follow up to our June 15, 2016 meeting, where we presented proposed credit type/value adjustments in accordance with the SLR Interagency Agreement.

Is there any update on the review/evaluation of our presentation and proposed modifications to the SLR Interagency Agreement?

Please let us know if you have any questions or would like to discuss anything further.

Thanks,

Gregg Fell

Senior Permitting Analyst

Natural Resource Professionals, LLC

www.wetlandsreport.com

10621 North Oak Hills Parkway; Suite A

Baton Rouge, Louisiana 70810

225.928.5333

928.925.8947 (cell)

This email message (including attachments) contains information which may be confidential and/or legally privileged and is for receipt and use solely by the intended recipient. Unless you are the intended recipient, you may not use, copy or disclose to anyone the message or any information contained in the message, or from any attachments that were sent with this email. If you have received this email message in error, please advise the sender by email, and delete the message. Unauthorized disclosure and/or use of information contained in this email may result in civil and criminal liability.



PROTECTING YOU
AND YOUR FAMILY

The Board of Commissioners
OF THE
Pontchartrain Levee District

2204 ALBERT STREET • P.O. BOX 426 • LUTCHER, LA 70071
TEL: 225-869-9721 FAX: 225-869-9723 LA WATTS: 800-523-3148

STEVEN C. WILSON
PRESIDENT

BLAINE J. SHEETS
VICE PRESIDENT

COMMISSIONERS
HENRY N. BAPTISTE
RICKY BOSCO
SENECCA D. BOUDREAUX
PERCY HEBERT, JR.
JERRY SAVOY
ALLEN J. ST. PIERRE, SR.
LEONARD J. WILSON, JR.

DWIGHT D. POIRRIER
SPECIAL COUNSEL

MEL D. BUSH
BOARD SECRETARY

MONICA SALINS GORMAN
EXECUTIVE DIRECTOR

July 11, 2017

Mr. Scott Nesbit
Spanish Lake Restoration, LLC
4664 Jamestown Ave., Suite 420
Baton Rouge, LA 70808

RE: Request for Mitigation
Credit Quote
Coastal Use Permit:
P20141397
DOA Permit: MVN-2009-
02330-CM
Ascension Parish, Louisiana

Dear Sir:

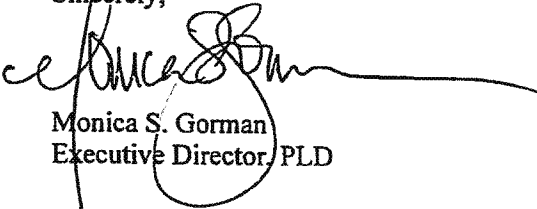
The Pontchartrain Levee District (PLD) has applied for permits from the US Army Corps of Engineers (USACE) and Louisiana Department of Natural Resources (LDNR) authorizing the extension of the Laurel Ridge Levee in Ascension Parish, LA. The proposed project is the 4.5 mile extension of the Laurel Ridge Levee, installation of 7 outfall structures, and 1 emergency overflow structure. The permit application proposes 44.1 acres of impacts to vegetated wetlands, consisting of 27.6 acres of bottomland hardwood and 16.5 acres of cypress/tupelo habitat, 2.7 acres of which are located within the Louisiana Coastal Zone. The site is located in Section 3 of Township 8 South – Range 4 East of Ascension Parish, Louisiana.

The Pontchartrain Levee District would like to request a Mitigation Credit Quote from your commercial mitigation bank for the specified number of credits of the appropriate habitat type, as referenced in the attachment from the USACE. If you wish to submit a quote, please do so in writing, providing the name of the mitigation bank, the mitigation potential of the bank, total amount of available credit at the bank, a per credit/acre cost, and a total price for the whole amount. Please note that PLD may elect to purchase the entire amount, or a portion of the offered credits if your mitigation bank is selected. If your bank does not have sufficient available credits to support PLD's mitigation requirement in the full amount, but you are still interested in offering credits for purchase, please submit a written quote including all required information above, AND, the maximum credits you are willing to offer, and a per credit/acre and total cost for the mitigation. It is possible that the compensatory mitigation for this project could be provided by the acquisition of a combination of credits acquired from a suite of mitigation banks.

THE BOARD OF COMMISSIONERS
OF THE
PONTCHARTRAIN LEVEE DISTRICT

Quoted costs and credit amounts must remain available for 45 days to afford time for the PLD to assess and take such actions necessary to affect a credit purchase. Quotes must be received by PLD by July 28, 2017. If you have any questions or comments, feel free to contact PLD's Special Counsel, Mr. Dwight Poirrier, at (225) 621-3200.

Sincerely,



Monica S. Gorman
Executive Director, PLD

cc Mr. Dwight Poirrier

1. Bank Name: Spanish Lake Restoration Unit III
Sponsor: Spanish Lake Restoration, LLC

Contact: Mr. Scott Nesbit - Sales POC 4664
Jamestown Ave, Ste 420 Baton
Rouge, LA 70808
Email: scott.nesbit@wetlandsreport.com Phone:
(225) 928-5333

Number of Acres/Credits Required: 71.3 acres of Cypress/Tupelo Gum Swamp
Or

2. Bank Name: Spanish Lake Restoration Unit VI
Sponsor: Spanish Lake Restoration, LLC

Contact: Mr. Scott Nesbit - Sales POC 4664
Jamestown Ave, Ste 420 Baton
Rouge, LA 70808
Email: scott.nesbit@wetlandsreport.com
Phone: (225) 928-5333

Number of Acres/Credits Required: 71.3 acres of Cypress/Tupelo Gum Swamp

Message

From: Gregg Fell [gregg.fell@wetlandsreport.com]
Sent: 7/12/2017 7:13:54 PM
To: Brian.W.Breaux@usace.army.mil; Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Matthew Weigel (mweigel@wlf.la.gov) [mweigel@wlf.la.gov]; jmaryman@wlf.la.gov
CC: Scott Nesbit [Scott.Nesbit@wetlandsreport.com]; Stokka Brown [SBrown@wetlandsreport.com]; Stephen Wallace (stephenr40wallace@gmail.com) [stephenr40wallace@gmail.com]
Subject: Spanish Lake Restoration

Good afternoon;

On behalf of SLR, I would like to follow up to our June 15, 2016 meeting, where we presented proposed credit type/value adjustments in accordance with the SLR Interagency Agreement.

Is there any update on the review/evaluation of our presentation and proposed modifications to the SLR Interagency Agreement?

Please let us know if you have any questions or would like to discuss anything further.

Thanks,

Gregg Fell
Senior Permitting Analyst

Natural Resource Professionals, LLC
www.wetlandsreport.com

10621 North Oak Hills Parkway; Suite A
Baton Rouge, Louisiana 70810
225.928.5333
928.925.8947 (cell)

This email message (including attachments) contains information which may be confidential and/or legally privileged and is for receipt and use solely by the intended recipient. Unless you are the intended recipient, you may not use, copy or disclose to anyone the message or any information contained in the message, or from any attachments that were sent with this email. If you have received this email message in error, please advise the sender by email, and delete the message. Unauthorized disclosure and/or use of information contained in this email may result in civil and criminal liability.

Message

From: Martinez, Maria [Martinez.Maria@epa.gov]
Sent: 6/8/2017 4:38:13 PM
To: Gutierrez, Raul [Gutierrez.Raul@epa.gov]
Subject: Spanish Lake

Raul,

I see that you turned in a TA for Spanish Lake. What is going on with Spanish Lake?

Maria
5-223

Message

From: Scott Nesbit [Scott.Nesbit@wetlandsreport.com]
Sent: 6/6/2017 3:37:48 PM
To: Breaux, Brian W CIV USARMY CEMVN (US) [Brian.W.Breaux@usace.army.mil]
CC: Bordelon, Seth [seth_bordelon@fws.gov]; Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Balkum, Kyle [kbalkum@wlf.la.gov]; Weigel, Matt [mweigel@wlf.la.gov]; Maryman, Joe [jmaryman@wlf.la.gov]; Zachary Chain [zchain@wlf.la.gov]; Stephen Wallace [stephenr40wallace@gmail.com]
Subject: Re: Spanish Lake Restoration - meeting 6/15/17 @9:30 LDWF building 3rd floor conference room (rm #360)

Thank you-see you then.

Sent from my iPhone

> On Jun 6, 2017, at 11:11 AM, Breaux, Brian W CIV USARMY CEMVN (US) <Brian.W.Breaux@usace.army.mil> wrote:
>
> All: a meeting is scheduled for Thursday, June 15, 2017 for Spanish Lake Restoration to present their information regarding re-evaluation of the SLR Mitigation Bank. The meeting will be held in room 360 of the Louisiana Department of Wildlife and Fisheries building.
>
> Brian W. Breaux
> USACE Regulatory, Special Projects & Policy Team
> (504) 862-1938
> brian.w.breaux@usace.army.mil
>
>
>
>

Message

From: Breaux, Brian W CIV USARMY CEMVN (US) [Brian.W.Breaux@usace.army.mil]
Sent: 6/6/2017 3:12:17 PM
To: Bordelon, Seth [seth_bordelon@fws.gov]; Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Balkum, Kyle [kbalkum@wlf.la.gov]; Weigel, Matt [mweigel@wlf.la.gov]; Maryman, Joe [jmaryman@wlf.la.gov]; Zachary Chain [zchain@wlf.la.gov]; Scott Nesbit [scott.nesbit@wetlandsreport.com]; Stephen Wallace [stephenr40wallace@gmail.com]
Subject: Spanish Lake Restoration - meeting 6/15/17 @9:30 LDWF building 3rd floor conference room (rm #360)

All: a meeting is scheduled for Thursday, June 15, 2017 for Spanish Lake Restoration to present their information regarding re-evaluation of the SLR Mitigation Bank. The meeting will be held in room 360 of the Louisiana Department of Wildlife and Fisheries building.

Brian W. Breaux
USACE Regulatory, Special Projects & Policy Team
(504) 862-1938
brian.w.breaux@usace.army.mil

Message

From: Joe Maryman [jmaryman@wlf.la.gov]
Sent: 5/31/2017 8:32:41 PM
To: 'Breaux, Brian W CIV USARMY CEMVN (US)' [Brian.W.Breaux@usace.army.mil]
CC: Bordelon, Seth [seth_bordelon@fws.gov]; Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Matthew Weigel [mweigel@wlf.la.gov]
Subject: RE: meeting/field trip requests

Brian,

At this time I am available on June 6,12,15,19,20 and 22nd. If a meeting needs to be schedule here, let me know as soon as possible so I can check availability.

Thanks

Joe Maryman
Biologist
Louisiana Department of Wildlife and Fisheries
jmaryman@wlf.la.gov
225-765-2380

-----Original Message-----

From: Breaux, Brian W CIV USARMY CEMVN (US) [mailto:Brian.W.Breaux@usace.army.mil]
Sent: Friday, May 26, 2017 2:14 PM
To: Bordelon, Seth; Gutierrez.Raul@epa.gov; Kyle Balkum; Matthew Weigel; Joe Maryman
Subject: meeting/field trip requests

ALL: Unfortunately, I cannot access the 'doodle poll'. So... Based on comments from the IRT or requests from bank sponsors, I am soliciting dates for field trips or meetings for 3 actions.

1) Spanish Lake Restoration (former Lago Espanol) credit assessment meeting: The Sponsors have requested a meeting to discuss the existing status of Spanish Lake Restoration and their request for credit reassessment. They feel that the MBI and the information previously provided is sufficient for granting their requested changes in the LRAM assessment. CEMVN has had a separate meeting with the Sponsors wherein they presented their argument(s) and believe it would be beneficial for the IRT to hear their argument(s).

Suggested location: LDWF in Baton Rouge.
Dates: June 6, 9, 14, 15, 16, 20

2) Field visit Jamestown II (former Ponder Mitigation Bank): IRT requested field visit prior to commenting on credit/financial assurance release (unfamiliarity w/ site). Additionally, am trying to coordinate w/ our botanist to verify the YR5 jurisdictional determination.

Suggested dates: June 6, 12, 14, 15, 16, 19, 20

3) Field visit proposed Texada II: Current IRT unfamiliarity w/ site. Discuss proposed hydrology restoration currently commented on by IRT as inadequate.

Suggested dates: June 7, 8, 9, 12, 14, 15, 16, 20, 19, 20, 21, 22

Thanks.
Brian W. Breaux
USACE Regulatory, Special Projects & Policy Team
(504) 862-1938
brian.w.breaux@usace.army.mil

Message

From: Joe Maryman [jmaryman@wlf.la.gov]
Sent: 5/15/2017 5:48:59 PM
To: Brian Breaux [Brian.W.Breaux@usace.army.mil]
CC: Gutierrez, Raul [Gutierrez.Raul@epa.gov]; Matthew Weigel [mweigel@wlf.la.gov]; Troy Mallach [Troy.Mallach@la.usda.gov]; Fontenot, Alison [Fontenot.Alison@epa.gov]; Bordelon, Seth [seth_bordelon@fws.gov]
Subject: RE: Spanish Lake Restoration - LRAM review

Flag: Follow up

Brian,

LDWF has reviewed the request to review the LRAM for the Spanish Lake Mitigation Bank and concurs with USFWS comments provided below. More information and details need to be provided showing what qualifies the bank for enhancement credit. Maps need to be provided including as much detail as possible of each Unit (hydrologic features, size, before and after aerial imagery, etc). Once the above information is provided we may provide additional comments.

Also, are there any assurances that the operational plan for the structure won't change again?

Thanks

Joe Maryman
Biologist
Louisiana Department of Wildlife and Fisheries
jmaryman@wlf.la.gov
225-765-2380



From: Bordelon, Seth [mailto:seth_bordelon@fws.gov]
Sent: Thursday, May 11, 2017 12:47 PM
To: Brian Breaux
Cc: Gutierrez, Raul; Matthew Weigel; Joe Maryman; Troy Mallach; Fontenot, Alison
Subject: Re: Spanish Lake Restoration - LRAM review

Brian,

I've reviewed Spanish Lake Restoration's request to re-evaluate their LRAM credits. Below are my comments on each of the three issues they've asked us to consider.

Topic One (changing preservation to enhancement):

1) Why did the original MBI fail to mention Unit I as possibly being awarded additional credits if off site hydrologic improvements occurred? At the top of page 23 the MBI states "Specifically, additional credits for Unit II may be generated through basin-wide hydrologic improvements."

2) The next sentence in the MBI states "Management of any structures associated with the hydrologic restoration activities will be subject to the policies set forth in the addendum." This could be a problem because the mitigation bank sponsor does not have control over the operations of the Alligator Bayou Flood-Gate. It seems that multiple entities have had an interest in the operation of the flood-gate, including two Parish governments, the Corps (i.e., the Amite River and Tributaries, Bayou Manchac, Louisiana, Flood Damage Reduction and Ecosystem Restoration Project), and several private sector groups. Is this still a contentious issue? Is there a reasonable chance that the structure operation plan could change again in the foreseeable future?

3) We recommend that additional data be provided that clearly demonstrates functional lift from "preservation" to "enhancement". The MBI states that "Lands within the preservation portions of the mitigation area currently consist of primarily mature bottomland hardwood forests and baldcypress/tupelogum swamps and are considered to have a high value as wetland and wildlife habitat." I'd like to see maps of each unit that show where the benefits have occurred, vegetation data from before (if available) and after flood-gate closure, as well as elevation data and LIDAR maps within Units I and II. I'd also like to have the top elevation of the flood-gate when its closed to compare to elevations within the units.

4) The MBI required that tallow be controlled on all enhancement areas. If we do change the status of the remaining preservation acreage to enhancement, I think it'd be reasonable to require tallow treatments before doing so.

Topic Two (changing Units III and VI to "none" instead of "passive" under the "site management factor"):

1) The "passive" ranking might not have had anything to do with the offsite flood-gate. Culverts on the units could have been the reason those areas received a "passive" ranking and other units received "none". I'd like to see a map of Units III and VI that labels all structures/features (e.g., culverts) that affect the sites hydrologic conditions.

Topic Three (changing the size factor to >500 acres for Units I and II):

1) I agree that each unit larger than 500 acres should be classified in the proper category (>500 acres). Please label each units size on the requested map.

General Comments:

If a new project was proposed in this area asking for credit due to the functional lift created by the opening of an offsite structure I do not think the IRT would entertain it as a mitigation bank. However, in this case I think we should honor what was written into the MBI by considering the reclassification. They need to provide evidence though that clearly shows how and where functional lift has occurred. The document submitted fails to provide adequate information. A site visit may also be necessary. I'm not familiar with Spanish Lake and know most of the current IRT members have not worked on this bank before.

Thanks for coordinating with us. Give me a call if you'd like to discuss this further.

Seth Bordelon
U.S. Fish and Wildlife Service
Louisiana Ecological Services Office
646 Cajundome Blvd., Suite 400
Lafayette, LA 70506
(337) 291-3138 (office)
(337) 291-3139 (fax)
seth_bordelon@fws.gov

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Wed, May 3, 2017 at 10:26 AM, Breaux, Brian W CIV USARMY CEMVN (US)

[<Brian.W.Breaux@usace.army.mil>](mailto:Brian.W.Breaux@usace.army.mil) wrote:

ALL: attached is request for review of the LRAM for Spanish Lake Restoration. The sponsor requests reconsideration of values assigned to some of the variables. Essentially, it comes down to our interpretation of the water control structures on Frog Bayou and Alligator Bayou. Does the presence of these structures and their operation which is outside the control of the Sponsor constitute structural management? And should mitigation bank lands generate "enhancement" level credit for the altered operation of these structures?

Please review this information and provide a response/comment by May 12. 2017.

Brian W. Breaux

USACE Regulatory, Special Projects & Policy Team

(504) 862-1938

brian.w.breaux@usace.army.mil

Message

From: Breaux, Brian W CIV USARMY CEMVN (US) [Brian.W.Breaux@usace.army.mil]
Sent: 2/9/2017 3:48:48 PM
To: Gutierrez, Raul [Gutierrez.Raul@epa.gov]
Subject: Emailing: 11-16-11 Spanish Lake Restoration Instrument Modification Request Tab B.pdf
Attachments: 11-16-11 Spanish Lake Restoration Instrument Modification Request Tab B.pdf

FYI ... Agreement w Iberville Parish

Your message is ready to be sent with the following file or link attachments:

11-16-11 Spanish Lake Restoration Instrument Modification Request Tab B.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.